

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 141 be amended to read as follows:

- 1 Page 2, between lines 41 and 42, begin a new paragraph and insert:
- 2 "SECTION 5. IC 34-6-2-51, AS AMENDED BY P.L.1-1999,
- 3 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2001]: Sec. 51. (a) **The persons to whom this section applies**
- 5 **include a physician acting outside the scope of the physician's**
- 6 **employment or a registered nurse acting outside the scope of the**
- 7 **nurse's employment.**
- 8 (b) "Gratuitously renders emergency care", for purposes of
- 9 IC 34-30-12-1, means the giving of emergency care (including the use
- 10 of an automatic external defibrillator):
- 11 (1) that was volunteered without legal obligation on the part of the
- 12 person rendering the emergency care; and
- 13 (2) for which the person rendering the emergency care does not
- 14 expect remuneration.
- 15 ~~(b)~~ (c) Emergency care may not be considered to be gratuitously
- 16 rendered emergency care solely because of the failure to send a bill for
- 17 the emergency care."
- 18 Page 3, between lines 8 and 9, begin a new paragraph and insert:
- 19 "SECTION 7. IC 34-6-2-106 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 106. "Physician" ~~for~~
- 21 ~~purposes of IC 34-18-~~ has the meaning set forth in IC 34-18-2-23."
- 22 Page 5, between lines 19 and 20, begin a new paragraph and insert:
- 23 "SECTION 9. IC 34-30-12-1, AS AMENDED BY P.L.1-1999,
- 24 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2001]: Sec. 1. (a) This section does not apply to services rendered by a health care provider (as defined in IC 34-18-2-14 or IC 27-12-2-14 before its repeal) to a patient in a health care facility (as defined in IC 27-8-10-1).

(b) Except as provided in subsection (c), a person, **including a physician acting outside the scope of the physician's employment or a registered nurse acting outside the scope of the nurse's employment**, who comes upon the scene of an emergency or accident or is summoned to the scene of an emergency or accident and, in good faith, gratuitously renders emergency care at the scene of the emergency or accident is immune from civil liability for any personal injury that results from:

(1) any act or omission by the person in rendering the emergency care; or

(2) any act or failure to act to provide or arrange for further medical treatment or care for the injured person;

except for acts or omissions amounting to gross negligence or willful or wanton misconduct.

(c) This subsection applies to a person to whom IC 16-31-6.5 applies. A person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from liability for any act or omission not amounting to gross negligence or willful or wanton misconduct if the person fulfills the requirements set forth in IC 16-31-6.5.

(d) This subsection applies to an individual, business, or organization to which IC 16-31-6.5 applies. An individual, business, or organization that allows a person who is an expected user to use an automatic external defibrillator of the individual, business, or organization to in good faith gratuitously render emergency care is immune from civil liability for any damages resulting from an act or omission not amounting to gross negligence or willful or wanton misconduct by the user or for acquiring or providing the automatic external defibrillator to the user for the purpose of rendering the emergency care if the individual, business, or organization and the user fulfill the requirements set forth in IC 16-31-6.5."

Page 5, between lines 25 and 26, begin a new paragraph and insert:
"SECTION 11. [EFFECTIVE JULY 1, 2001] IC 34-6-2-51,

- 1 **IC 34-6-2-106, and IC 34-30-12-1, all as amended by this act, apply**
- 2 **only to care rendered after June 30, 2001."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 141 as printed April 3, 2001.)

Representative Porter